

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KAREN WILLIAMS,	:	
Plaintiff,	:	Case No. 1:04cv00439
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
NATIONAL POSTAL MAIL	:	
HANDLERS UNION, <i>et al.</i> ,	:	
Defendants.	:	

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #36), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on May 3, 2006 (Doc. #36) is ADOPTED in full.
2. The National Postal Mail Handlers Union's Motion for Summary Judgment (Doc. #28) is GRANTED;
3. The United States Postal Service's Alternative Motion for Summary Judgment (Doc. #34) is GRANTED, and its Motion to Dismiss (Doc. #34) is DENIED as moot;
4. Plaintiff's Complaint is DISMISSED with prejudice;

5. The Court CERTIFIES pursuant to 28 U.S.C. §1915(a) that an appeal by Plaintiff would not be taken in good faith, and therefore leave to appeal *in forma pauperis* is DENIED. Plaintiff, a non-prisoner, remains free to apply to proceed *in forma pauperis* in the Court of Appeals.
6. The case is terminated on the docket of this Court.

May 24, 2006

s/Thomas M. Rose

Thomas M. Rose
United States District Judge